

The City Council of the City of Mattoon held a rescheduled meeting in the City Hall Council Chambers on September 2, 2009.

Mayor David W. Cline presided and called the meeting to order at 5:30 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: Interim City Administrator John Kolata, City Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief David Griffith; and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Ervin moved to approve the consent agenda consisting of minutes of the regular meeting August 18, 2009; special meeting August 24, 2009; police department report for the month of July, 2009; payroll and bills for the last half of August, 2009; and Council Decision Request 2009-1005, declaring four Police Department weapons as surplus and authorizing the relinquishment to Ray O'Herron Company for credit.

Bills and payroll for the last of August, 2009

General Fund

Payroll		\$	254,195.05
Bills		\$	<u>219,006.92</u>
	Total	\$	473,201.97

Hotel Tax Fund

Payroll		\$	2,320.65
Bills		\$	<u>11,213.62</u>
	Total	\$	13,534.27

Festival Management

Bills		\$	<u>1,107.76</u>
	Total	\$	1,107.76

**Insurance & Tort
Judgment**

Bills		\$	<u>173,341.75</u>
	Total	\$	173,341.75

Capital Project Fund

Bills		\$	<u>35,375.16</u>
		\$	35,375.16

Water Fund

Payroll		\$	31,491.74
Bills		\$	<u>27,466.83</u>
	Total	\$	58,958.57

Sewer Fund

Payroll		\$	26,726.81
Bills		\$	<u>23,684.42</u>
	Total	\$	50,411.23

Cemetery Fund

Payroll		\$	4,625.08
Bills		\$	<u>176.37</u>
	Total	\$	4,801.45

Revolving Loan Fund

Bills	\$ 270.00
	\$ 270.00

Health Insurance

Bills	\$ 97,870.29
Total	\$ 97,870.29

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline opened the floor for public comments/presentations and non agenda items. There was no public discussion.

Public review and discussion of agenda items – Administrator Kolata reviewed the agenda items. Mayor Cline opened the floor for public discussion. There was no public discussion.

Commissioner Rankin seconded by Commissioner Ervin moved to approve Ordinance 2009-5279, adopting the amendment of the municipal code Section 152.02, amending fence construction in residential zones.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2009-5279**

**AN ORDINANCE AMENDING SECTION 152.02 OF THE CITY OF MATTOON'S CODE OF ORDINANCES
REGULATING FENCE CONSTRUCTION IN RESIDENTIAL ZONES**

WHEREAS, the City of Mattoon currently has an ordinance that regulates the alteration and construction of fences within the City; and

WHEREAS, City staff has been directed to update the fence ordinance and make changes to Section 152.02 residential zones.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Section 152.02 of the Code of Ordinances of the City of Mattoon is hereby repealed. Section 152.02 is reenacted as follows:

§ 152.02 RESIDENTIAL ZONES.

Fences constructed upon any lot or parcel of real estate located in a residential zoned district shall not exceed four feet in height from the building line to any street property line and shall not otherwise exceed six feet in height. On a corner lot, the four feet height requirement shall apply to the front yard in which the front entry of the structure is facing, unless the rear or side lot line (that could be the secondary front yard) is contiguous with the front yard of an any other lot, then the four feet height requirement shall also apply to the secondary front yard as applied to the front yard of the contiguous lot. Furthermore on a corner lot the vision clearance shall conform to Section 159.51 of the Zoning Ordinance and shall apply to all street intersection and any entrance to a public right of way from a street, alley or driveway.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Ervin, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments or questions. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Gover moved to adopt Special Ordinance 2009-1354, declaring surplus property, authorizing its sale or disposal, and authorizing a September 11, 2009 auction to be conducted at 3121 Cedar (Old Garment Factory).

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1354

**AN ORDINANCE DECLARING PERSONAL PROPERTY OWNED BY THE MUNICIPALITY SURPLUS AND
AUTHORIZING ITS SALE OR DISPOSAL**

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Supplies and equipment identified on an Exhibit A to this ordinance are hereby declared surplus to the needs of the City of Mattoon.

Section 2. The City of Mattoon, Illinois does not express any warranty or imply any statement of condition in regard to this equipment.

Section 3. The Mayor and City Clerk are hereby authorized to administratively sell, recycle, or otherwise destroy the property listed on Exhibit A to this ordinance without further formal consideration or approval by the City Council.

Section 4. Auctioneer Hank Bauer shall sell items on Exhibit B by this special ordinance at public auction on September 11, 2009 located at the corner of Cedar Street and 32nd Street (the former Garment Factory building). Any sale of equipment shall be made to the highest bidder on terms acceptable to the City Attorney & Treasurer.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline seconded by Commissioner Gover, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Rankin moved to adopt Special Ordinance 2009-1355, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Barbara L. Pendergast d/b/a Pat's Lounge, reimbursing up to \$30,613.63 from available Mid-town TIF funds over a ten-year term for façade improvements located at 2019 Western Avenue.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1355

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND BARBARA L. PENDERGAST D/B/A PAT'S LOUNGE IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

WHEREAS, BARBARA L. PENDERGAST D/B/A PAT'S LOUNGE (the "**Grantee**"), have submitted a proposal to the City of Mattoon, Illinois (the "**Municipality**") for redevelopment of a part of the Municipality's Mattoon Midtown Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Gover, seconded by Commissioner Rankin, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1356, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and John Woodruff d/b/a Express Drive Thrus, Inc., reimbursing up to \$32,000 from available Mid-town TIF revenues over a ten-year term for demolition and redevelopment of a building located at 1012 Charleston Avenue.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1356

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND JOHN WOODRUFF D/B/A EXPRESS DRIVE THRUS, INC. IN CONNECTION WITH THE MATTOON MIDTOWN REDEVELOPMENT PROJECT AREA

WHEREAS, JOHN WOODRUFF D/B/A EXPRESS DRIVE THRUS, INC. (the "**Grantee**"), have submitted a proposal to the City of Mattoon, Illinois (the "**Municipality**") for redevelopment of a part of the Municipality's Mattoon Midtown Redevelopment Project Area (the "**Redevelopment Project Area**"); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "**Grant Agreement**") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized

to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Gover, seconded by Commissioner Ervin, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Gover moved to adopt Special Ordinance 2009-1357, granting a variance from the front yard setback requirement for property located at 2421 Richmond Avenue. Michael Osborn – Petitioner.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1357

AN ORDINANCE GRANTING A VARIANCE FROM THE FRONT YARD SETBACK REQUIREMENT AT 2421 RICHMOND AVENUE.

WHEREAS, there has been filed a written Petition by Michael Osborn for a variance, respecting the property legally described as:

Lot six (6), Block seventy-nine (79) of Noyes Addition to the City of Mattoon, Coles County, Illinois; commonly known as 2421 Richmond Ave., Mattoon

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow the placement of a portable shed in the front yard at 2421 Richmond Ave., which will reduce the front yard setback on North 25th Street from the required 10 feet to 6 feet; and

WHEREAS, the zoning code requires front yard setback on both streets on corner lots in R1, Single Family Residence Zoning District; and

WHEREAS, the Zoning Board of Appeals held a properly noticed, public hearing on August 18, 2009 regarding petitioner's request for said variance; and

WHEREAS, both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the front yard setback requirement to enable the placement of a portable shed in the front yard at 2421 Richmond Avenue, which will reduce the front yard setback on North 25th Street from the required 10 feet to 6 feet.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Gover, adopted this 2nd day of September 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
 Commissioner Hall, Commissioner Rankin,
 Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1358, authorizing the sale of Lot 76 in Lake Paradise Subdivision to John R. Armstrong, current owner of a home on leased premises at Lot 76, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2926 East Lake Paradise Road)

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1358

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 76 IN LAKE PARADISE SUBDIVISION TO JOHN R. ARMSTRONG OWNER OF A HOME ON LEASED PREMISES AT LOT 76, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 2926 LAKE PARADISE ROAD)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, John R. Armstrong is desiring to purchase the property for \$10,000; and

WHEREAS, John R. Armstrong is the owner of the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$10,000 was the fair market value of the real estate as of May 19, 2009, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchaser is willing to pay his share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 2 of this ordinance to John R. Armstrong, subject to a payment of \$10,000 plus all other expenses of the sale. The purchase price will be due at closing.

Section 2. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 76 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Ervin, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. Council with input from Attorney & Treasurer Owen discussed the contiguity of the lots, the percentage of total lots sold, and upcoming sales.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance 2009-1359, authorizing the sale of Lot 83 in Lake Paradise Subdivision to John R. Armstrong, current owner of a home on leased premises at Lot 83, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 1977 Scenic Lane)

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1359

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 83 IN LAKE PARADISE SUBDIVISION TO JOHN R. ARMSTRONG OWNER OF A HOME ON LEASED PREMISES AT LOT 83, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 1977 SCENIC LANE)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, John R. Armstrong is desiring to purchase the property for \$7,000; and

WHEREAS, John R. Armstrong is the owner of the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$7,000 was the fair market value of the real estate as of May 19, 2009, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchaser is willing to pay his share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 2 of this ordinance to John R. Armstrong, subject to a payment of \$7,000 plus all other expenses of the sale. The purchase price will be due at closing.

Section 2. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 83 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
Commissioner Hall, Commissioner Rankin,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance 2009-1360, authorizing the sale of Lot 84 in Lake Paradise Subdivision to John R. Armstrong, current owner of a home on leased premises at Lot 84, Lake

Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 1945 Scenic Lane)

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1360

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 84 IN LAKE PARADISE SUBDIVISION TO JOHN R. ARMSTRONG OWNER OF A HOME ON LEASED PREMISES AT LOT 84, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 1945 SCENIC LANE)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, John R. Armstrong is desiring to purchase the property for \$15,000; and

WHEREAS, John R. Armstrong is the owner of the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$15,000 was the fair market value of the real estate as of May 19, 2009, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchaser is willing to pay his share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 2 of this ordinance to John R. Armstrong, subject to a payment of \$15,000 plus all other expenses of the sale. The purchase price will be due at closing.

Section 2. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 84 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Ervin, Commissioner Gover,</u> <u>Commissioner Hall, Commissioner Rankin,</u> <u>Mayor Cline</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>None</u>

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance 2009-1361, authorizing the sale of Lot 85 in Lake Paradise Subdivision to John R. Armstrong, current owner of a home on leased premises at Lot 85, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 1935 Scenic Lane)

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1361

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 85 IN LAKE PARADISE SUBDIVISION TO JOHN R. ARMSTRONG OWNER OF A HOME ON LEASED PREMISES AT LOT 85, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 1935 SCENIC LANE)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, John R. Armstrong is desiring to purchase the property for \$16,000; and

WHEREAS, John R. Armstrong is the owner of the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$16,000 was the fair market value of the real estate as of May 19, 2009, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchaser is willing to pay his share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 2 of this ordinance to John R. Armstrong, subject to a payment of \$16,000 plus all other expenses of the sale. The purchase price will be due at closing.

Section 2. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 85 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 2nd day of September, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,
 Commissioner Hall, Commissioner Rankin,
 Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 2nd day of September, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on September 15, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to adopt Resolution 2009-2785, giving notice to the Illinois Department of Transportation of the time change for Christmas parade to be sponsored by the City of Mattoon.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2009-2785

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code Authorizes the Illinois Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **1:00 PM** and **2:00 PM** on **November 28, 2009**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **Christmas Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED that the **City of Mattoon** hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$100,000 per person and \$500,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insured's and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Illinois Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

PRESENTED this 2nd day of September, **2009** A.D.

APPROVED this 2nd day of September, **2009** A.D.

ADOPTED this 2nd day of September, **2009**. A.D.

/s/ David W. Cline
MAYOR

ATTEST:

/s/ Susan J. O'Brien
MUNICIPAL CLERK

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Gover moved to approve Council Decision Request 2009-1006, approving a \$3,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to Coles County Air Show to advertise their event held on August 29, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2009-1007, approving a \$1,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon Ladies Golf Association to host the Illinois Women's State Senior Amateur Tournament to be held September 21-24, 2009. (Hall)

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Gover moved to approve Council Decision Request 2009-1008, approving a \$3,200 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon High School to host the Mattoon High School Golf Invitational to be held September 11-12, 2009.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to approve Council Decision Request 2009-1009, authorizing an application for a \$7,500 Justice Assistance Grant which requires a 25% match to be funded with Federal Sharing (Omega) Funds to purchase two Mobile Data Computers.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to approve Council Decision Request 2009-1010, approving the plans and specifications for sidewalk removal and replacement along DeWitt Avenue from Logan Street to 14th Street and the south side of Champaign Avenue from 19th to 32nd Street; and authorizing the solicitation for two separate competitive bids.

Mayor called for comments. Commissioner Rankin reiterated his belief of utilizing City forces to complete sidewalk removal and replacement, while using temporary labor to provide other services. Council discussed the rationality and feasibility of current projects, and delayed the consideration of utilizing City forces until next year.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Gover moved to approve Council Decision Request 2009-1011, accepting maintenance proposals for West Lake Paradise Road from Earl Walker Company in the amount of \$13,344 for oil and chip; and Charles Heuerman in the amount of \$2,350 for CA-14 crushed stone.

Mayor called for comments. No additional comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2009-1012, authorizing the Mayor to sign a contract with Who Skates [SPC Construction, Inc.] of Kennebunkport, Maine in the amount of \$100,000 for the construction of the Roundhouse Skate Park.

Mayor called for comments. Commissioner Hall inquired as to the skateboarders' preference with Commissioner Rankin and Administrator Kolata referring to the exhibit outlining the skateboarders' preference.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Rankin moved to approve Council Decision Request 2009-1013, approving the IDOT agreement for the replacement of Charleston Avenue Bridge with a detour route on Marshall Avenue; and authorizing the Mayor to sign the document.

Mayor called for comments. Council with input from Director Wortman discussed the detour, different stages of construction, and millwork to be completed by the Illinois Department of Transportation (IDOT) on the Marshall Avenue railroad tracks.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to recess to closed session at 6:06 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); the price for sale or lease of property (5 ILCS 120(2)(c)(6)); and the purchase or lease of real property (5 ILCS 120(2)(c)(5)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Council reconvened at 6:43 p.m.

Commissioner Gover seconded by Commissioner Hall moved to adjourn at 6:44 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk